

**MEDICAL EXAMINING BOARD  
REGULAR MEETING  
MARCH 19, 2003**

**MEMBERS PRESENT:** Drs. Lief Erickson, Alfred Franger, Ronald Grossman, Sidney Johnson, Daniel Miota, Bhupinder Saini, Darold Treffert, and Virginia Heinemann and Karen Kalishek

**MEMBERS EXCUSED:** Dr. Sandra Mahkorn

**STAFF PRESENT:** Tom Ryan, Bureau Director; Deanna Zychowski, Wayne Austin, Legal Counsel; Pamela Meicher, Program Assistant; and DOE staff for parts of the meeting

**GUESTS:** Mark Grapentine, WI Medical Society; Shelly Raebel, Purdue Pharma Co., Inc.; Ron Hermes, WI Medical Society; Peter Scoles, MD, NBME; Mark Anbeviwehrs and Sue Morschha, UW Medical School; Stacy Landford, MD, FSMB

**CALL TO ORDER**

Chair Sidney Johnson called the meeting to order at 8:01 a.m.

**APPROVAL OF AGENDA**

Amendments:       DOE Three Year Case Report (B)  
                          2003 Assembly Bill 63 (D)  
                          2003 Assembly Bill 67 (D)  
                          FSMB memorandum on Op-Ed Article (M0)

**MOTION:** Alfred Franger moved, seconded by Ronald Grossman, to approve the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES FEBRUARY 19, 2003**

Correction: Page 5 – Second Header; replace “SAY” with “STAY”.

**MOTION:** Clark Olsen moved, seconded by Ronald Grossman, to approve the minutes of February 19, 2003 as amended per typo corrections. Motion carried unanimously.

**SECRETARY DONSIA STRONG HILL**

Thomas Ryan, Bureau Director of Health Service Professions, introduced himself to the Board. Mr. Ryan has a Law degree and a Master’s in health care administration. His regulatory work includes two years at Wisconsin Insurance Commission in the Health and Life section, and as

staff to the Patients' Compensation Fund. He also worked in Legal Services in Medicaid and housing law.

Chairman Johnson asked Patricia Hoeft, Division Administrator to address the Board. Ms. Hoeft said that she is looking at and working on ways to improve the department services to the Board. She briefly discussed her background which included work on tribal land negotiations in the state of New York.

### **PRESENTATION OF PROPOSED STIPULATIONS**

None.

### **REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES**

The Board noted receipt of the report.

### **REPORT OF SCREENING COMMITTEE**

Virginia Heinemann reported the Screening Committee reviewed 40 cases. Fourteen cases were opened, 24 complaints were not opened and two cases required more information.

### **INTRODUCTION OF MEMBERS OF THE PERFUSIONISTS EXAMINING COUNCIL**

Deanna Zychowski introduced members of the Perfusionists Examining Council; Janet Sisul, St. Luke's Medical Center; Matthew Hietpas, Gunderson Lutheran; and David Hellenbrand, St. Mary's Hospital. Ms. Zychowski also presented the first Wisconsin Perfusionist License to David Hellenbrand. It is estimated that more than eighty people may apply for licensure after October, when the new licensure year begins.

### **PUBLIC HEARING ON PROPOSED RULES RELATING TO THE LICENSURE AND REGULATION OF PERFUSIONISTS**

A public hearing was held on proposed rules relating to the licensure and regulation of perfusionists. The Board introduced themselves to the audience. Michael Gough, Chair, Legislative Task Force for the Wisconsin Perfusionist Society, testified. After reviewing the Perfusion Examining Council's latest revision of the Rules & Regulations, The Wisconsin Perfusionist Society is concerned mainly with the limitations that are imposed upon a perfusionist who is practicing under a temporary license and the subsequent revocation of such a license upon the failure of any perfusion examination.

The Board asked questions based on its concerns with the rule as written. One of the Board's main concerns is that a temporary license may be valid for five years, even though the perfusionist has not passed the scientific component of the examination. The Board will review the alternatives provided by Mr. Gough and discuss at a future Board meeting. The Board also requested the department make available to it rules that apply to temporary licensure requirements of other professions regulated by the department.

**PRESENTATION BY PETER SCOLES OF THE NATIONAL BOARDS AND N. STACY LANDFORD, MD OF THE FEDERATION OF STATE BOARDS ON THE CLINICAL SKILLS EXAMINATION AND OTHER INTERESTED PARTIES**

Peter Scoles, MD, of the National Boards and Stacy Landford, MD, gave a presentation on the new Clinical Skills examination required for medical students starting with the graduating class of 2005. The examination will test for minimal competencies in taking patient history, physical examinations, and interpersonal skills required for asking questions and answering questions to the patient. The test will protect patient safety.

The Board had concerns with the objectivity of the examination. Dr. Landford advised the Board that the NBME has fine-tuned the process by administering prototype exams to thousand of students at more than 50 U.S. medical schools. Use of standardized patients is the key to fairness and objectivity. Physicians and testing professionals watch videotapes of the interactions to assure objectivity and fairness in the final scoring. Examinee notes are scored by trained physicians. Testing professionals then use accepted methodologies to control for individual differences in the standardized patients' evaluation.

Representatives from the UW Medical School provided information about the program they have for students to ensure the students meet minimal competency in their clinical skills.

The Department of Regulation and Licensing has received letters from both the American Medical Society and the Wisconsin Medical Society opposing this new national test.

**ASSEMBLY BILL 63**

Thomas Ryan provided the Board with copies of Assembly Bill 63 and said that this is a companion for Assembly Bill 21.

The bill expands the definition of employment discrimination based on creed to include discriminating against a pharmacist on the basis of his or her refusal, to dispense a prescribed drug or device that the pharmacist has reason to believe would be used for causing an abortion or causing death of a "person". Under the bill, discrimination includes refusing to hire a pharmacist, terminating a pharmacist's employment, and discriminating against a pharmacist with respect to promotions, compensation, or terms, conditions, or privileges of employment. The bill also exempts providers who refuse to participate from discipline by the Department of Regulation and Licensing.

No action was taken by the Board or the Department of Regulation and Licensing on this bill.

**ASSEMBLY BILL 67**

Tom Ryan provided the Board with copies of Assembly Bill 67 and offered a brief overview.

This bill relates to employment discrimination based on creed and exemption from liability and discipline for health care providers and hospital employees who refuse to participate in sterilization, abortion, assisted suicide, other specified procedures on moral or religious grounds,

and power of attorney for health care instruments and patient declarations regarding the withholding or withdrawal of life-sustaining procedures or feeding tubes.

No action was taken by the Board or the Department of Regulation and Licensing on this bill.

#### **RECESS TO CLOSED SESSION**

**MOTION:** Daniel Miota moved, seconded by Clark Olsen, to recess to closed session pursuant to Chapter 19.85 (1)(a), (b), (f), and (g), Wis. Stats, for deliberation of proposed stipulations, issuing a complaint, requesting stay of suspensions, requesting full licensure, reviewing case status, granting licenses and consulting with legal counsel. Roll call vote: Drs. Lief Erickson – yes, Alfred Franger – yes, Ronald Grossman – yes, Sidney Johnson – yes, Daniel Miota – yes, Clark Olsen – yes, Bhupinder Saini – yes, Darold Treffert - and Virginia Heinemann – yes and Karen Kalishek – yes. Motion carried unanimously.

Open session recessed at 10:49 a.m.

#### **REQUEST FOR FULL LICENSURE**

##### **DIANE KRUSE, MD**

**MOTION:** Clark Olsen moved, seconded by Ronald Grossman, to grant full licensure to Diane Kruse, MD. Bhupinder Saini abstained. Motion carried.

#### **REQUESTS FOR STAYS OF SUSPENSION**

##### **SCOTT CONANT, MD**

**MOTION:** Clark Olsen moved, seconded by Bhupinder Saini, to deny a three month stay of suspension in the matter of Scott Conant, MD, and advise him that he may petition for a stay next month when in compliance with his reports. Motion carried unanimously.

##### **ROBERT A. VINCENT, MD**

**MOTION:** Ronald Grossman moved, seconded by Alfred Franger, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Robert A. Vincent, MD. Case adviser Darold Treffert abstained. Motion carried.

##### **EDWARD COONEY, MD**

**MOTION:** Clark Olsen moved, seconded by Alfred Franger, to grant a three month stay in the matter of Edward Cooney, MD. Motion carried unanimously.

**NICHOLAS GEIMER, MD**

Stay expired in the matter of Nicholas Geimer, MD; his license is automatically suspended.

**JEFFREY JUNIG, MD**

**MOTION:** Darold Treffert moved, seconded by Ronald Grossman, to grant a three month stay in the matter of Jeffrey Junig, MD. Motion carried unanimously.

**GARY R. ROCHON, MD**

**MOTION:** Darold Treffert moved, seconded by Clark Olsen, to approve the termination of his therapist in the matter of Gary R. Rochon, M.D. Motion carried unanimously.

**THOMAS STRICK, MD**

**MOTION:** Ronald Grossman moved, seconded by Clark Olsen, to grant a three month stay in the matter of Thomas Strick, MD, and remind him that his therapy sessions must be face to face, and not by telephone. Motion carried unanimously.

**ISSUE A COMPLAINT**

**JOHN A. FERRIS, MD**

**MOTION:** Darold Treffert moved, seconded by Alfred Franger, that there is probable cause to believe that the licensee in 01 MED 116 is guilty of unprofessional conduct and that a complaint be issued and a hearing held. Motion carried unanimously.

**CASE STATUS REPORT**

**MOTION:** Clark Olsen moved, seconded by Alfred Franger, to close complaint **02 MED 365**, for insufficient evidence. Motion carried unanimously.

**MOTION:** Bhupinder Saini moved, seconded by Clark Olsen, to close complaint **02 MED 370**, for insufficient evidence. Motion carried unanimously.

**MOTION:** Alfred Franger moved, seconded by Daniel Miota, to close complaint **00 MED 058**, for prosecutorial discretion (P7). Motion carried unanimously.

**MOTION:** Bhupinder Saini moved, seconded by Clark Olsen, to close complaint **01 MED 262**, for insufficient evidence. Dr. Sidney Johnson abstained. Motion carried.

**MOTION:** Daniel Miota moved, seconded by Alfred Franger, to close complaint **02 MED 402**, for no violation. Motion carried unanimously.

**MOTION:** Clark Olsen moved, seconded by Ronald Grossman, to close complaint **02 MED 053**, for insufficient evidence. Motion carried unanimously.

**MOTION:** Alfred Franger moved, seconded by Ronald Grossman, to close complaint **02 MED 405**, for no violation. Dr. Daniel Miota abstained. Motion carried.

**MOTION:** Alfred Franger moved, seconded by Bhupinder Saini, to close complaint **02 MED 126**, for no violation. Motion carried unanimously.

**MOTION:** Bhupinder Saini moved, seconded by Daniel Miota, to close complaint **02 MED 444**, for insufficient evidence. Motion carried unanimously.

#### **RATIFYING LICENSES AND CERTIFICATES**

**MOTION:** Ronald Grossman moved, seconded by Karen Kalishek, to ratify the applicants as licensed to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

**MOTION:** Ronald Grossman moved, seconded by Karen Kalishek, to ratify the applicants as licensed to practice as physician assistants in the State of Wisconsin. Motion carried unanimously.

**MOTION:** Ronald Grossman moved, seconded by Karen Kalishek, to ratify the applicants as certified as respiratory care practitioners in the State of Wisconsin. Motion carried unanimously.

#### **RECONVENE IN OPEN SESSION**

**MOTION:** Ronald Grossman moved, seconded by Daniel Miota, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 12:40 p.m.

#### **VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Daniel Miota moved, seconded by Alfred Franger, to reaffirm all motions made during closed session. Motion carried unanimously.

#### **INFORMATIONAL ITEMS**

The Board noted the article on “States eye tougher stance on doctor discipline, competency testing”; the memorandum for the FSMB re: Response to New York Times Op-Ed Article; a letter from Dan Luce, R.Ph. and Arthur Thexton re: New Federal rules regarding addiction

treatment; a letter from George Nichols, MD, recognizing the great job done in the February Regulatory Digest article written by Dr. Darold Treffert; and Chapter MED 10 Unprofessional Conduct.

### **ADJOURNMENT**

**MOTION:** Alfred Franger moved, seconded by Karen Kalishek, to adjourn the meeting.  
Motion carried unanimously.

The meeting adjourned at 12:41 p.m.